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FIRST REGULAR SESSION
FIFTY-EIGHTH LEGISLATURE

**NINETEENTH LEGISLATIVE DAY
FRIDAY, JANUARY 28, 2005**

Senate Chamber

President Risch called the Senate to order at 11:30 a.m.

Roll call showed all members present except Senators Gannon and Langhorst, absent and formally excused by the Chair; and Senators Burkett, Noble, and Pearce, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Ali Lauda, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

Senators Noble and Pearce were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 27, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

Senator Burkett was recorded present at this order of business.

January 28, 2005

The JUDICIARY AND RULES Committee reports that **S 1059, S 1060, S 1061, S 1062, S 1063, S 1064, S 1065, and S 1066** have been correctly printed.

DARRINGTON, Chairman

S 1059 was referred to the Transportation Committee.

S 1060, S 1061, S 1062, S 1063, S 1064, and S 1065 were referred to the Judiciary and Rules Committee.

S 1066 was referred to the Education Committee.

January 27, 2005

The COMMERCE AND HUMAN RESOURCES Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Clifford T. Hayes to the Public Employee Retirement System of Idaho, term to expire July 1, 2009.

ANDREASON, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 28, 2005

The STATE AFFAIRS Committee reports out **SJR 101** with the recommendation that it do pass.

BURTENSHAW, Chairman

SJR 101 was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

January 27, 2005

Mr. President:

I return herewith **S 1024** and **S 1025** which have passed the House.

JUKER, Chief Clerk

S 1024 and **S 1025** were referred to the Judiciary and Rules Committee for enrolling.

January 28, 2005

Mr. President:

I transmit herewith Enrolled **H 5** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 5** and ordered it returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, **SCR 102** retained its place on the calendar for Monday, January 31, 2005.

On request by Senator Davis, granted by unanimous consent, the Education Committee report relative to the Gubernatorial appointment of Karen A. McGee to the State Board of Education retained its place on the calendar for Monday, January 31, 2005.

The President announced the State Affairs Committee report relative to the Gubernatorial appointments of Sue Thilo and James C. Hammond was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Goedde, seconded by Senator Stennett, the Gubernatorial appointment of Sue Thilo as a member of the State Board of Education was confirmed by voice vote.

On motion by Senator Jorgenson, seconded by Senator Marley, the Gubernatorial appointment of James C. Hammond as a member of the Public Charter School Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

On request by Senator Davis, granted by unanimous consent, **S 1003** retained its place on the Third Reading Calendar.

H 6 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams (Williams). Total - 32.

NAYS--None.

Absent and excused--Andreason, Gannon, Langhorst. Total - 3.

Total - 35.

Whereupon the President declared **H 6** passed, title was approved, and the bill ordered returned to the House.

H 7 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams (Williams). Total - 32.

NAYS--None.

Absent and excused--Andreason, Gannon, Langhorst. Total - 3.

Total - 35.

Whereupon the President declared **H 7** passed, title was approved, and the bill ordered returned to the House.

H 8 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Cameron, Coiner, Compton, Corder, Darrington, Davis, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Little, Lodge, Malepeai, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams (Williams). Total - 32.

NAYS--None.

Absent and excused--Andreason, Gannon, Langhorst. Total - 3.

Total - 35.

Whereupon the President declared **H 8** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 4** was moved to the head of the Third Reading Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11:30 a.m., Monday, January 31, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary